



November 4, 2021

Hon. Rebecca B. Smith  
Judge, United States District Court  
Eastern District of Virginia  
600 Granby Street  
Norfolk, Virginia 23510

Re: OceanGate Expeditions, Ltd.'s 2021 *Titanic* Survey Expedition

Dear Judge Smith:

I write to update the Court on the success of OceanGate Expeditions, Ltd.'s ("OceanGate") 2021 *Titanic* Survey Expedition. The expedition was actually a series of five photographic and scientific survey "missions" conducted to the wreck site of the *R.M.S. Titanic* during the summer of 2021. Each eight-day mission began and ended in St. John's, Newfoundland, Canada, with three days spent transiting to and from St. John's and the wreck site, and an average of five days spent at the wreck site conducting submersible testing and diving operations.

All activities were conducted in accordance with the precedent set by the United States Court of Appeals for the Fourth Circuit in *R.M.S. Titanic, Inc. v. Haver*, 171 F.3d 943, 969-71 (4<sup>th</sup> Cir.), *cert. denied*, 528 U.S. 825 (1999), and the National Oceanic and Atmospheric Administration's Guidelines for Research, Exploration and Salvage of *RMS Titanic*. As I informed the Court in May, OceanGate had no intention of disturbing the *R.M.S. Titanic* or interfering with R.M.S. Titanic, Inc.'s ("RMST") rights as salvor-in-possession, or of violating this Court's orders with respect thereto. Every effort was made to avoid contact with the wreck itself, no artifacts or scientific samples were collected, and each mission followed a "look but don't touch" ethos.

#### A. Overview

The *Titanic* Survey Expedition was conceived, created and is managed by OceanGate Expeditions, Ltd., a Bahamian Corporation. OceanGate Expeditions has an exclusive contract with OceanGate, Inc. for the charter of the Bahamian-registered crewed submersible *Titan*, its support equipment and operations personnel, to conduct dives to explore wreck and wreck site of the *Titanic*. *Titan* is a Cyclops-class manned submersible designed to take five people to depths of 4,000 meters (13,123 feet) for site survey and inspection, research and data collection, film and media production. See <https://oceangate.com/our-sub/titan-submersible.html>.

For the 2021 *Titanic* Survey Expedition, OceanGate utilized the 93.6-meter/307-foot offshore supply vessel *Horizon Arctic*, owned by Canadian-based Horizon Maritime. See <https://oceangateexpeditions.com/blog/horizon-arctic>. As a participant in four *Titanic* expeditions, including Mission One of the 2021 *Titanic* Survey Expedition, and many others, I can assure you that the vessel and crew were outstanding, and the integration between OceanGate's team and Horizon Maritime's team was seamless. The success or failure of an expedition often depends on the quality and professionalism of its team. In this instance, OceanGate cannot express enough praise for Horizon Maritime's personnel, as well as on OceanGate's own team of professionals.

Canada's extensive travel restrictions due to COVID-19 proved challenging but not insurmountable, and OceanGate is grateful for the assistance it received from the authorities at the regional and local level.

Once at sea, the expedition encountered technical difficulties, primarily electrical issues with *Titan*, but these were solved as they came up. In addition to multiple test dives, *Titan* eventually completed six dives to explore the *Titanic* wreck site, during five missions, over six and a half weeks. Eighteen submersible crew members explored the wreck site for the first time.

*Titan* successfully captured more than 20 hours of high-resolution video and images of the wreck site, documenting deterioration of the bow and stern. Since the crew returned home, OceanGate has been releasing videos every week, including raw imagery of the roof of the Marconi Room and Captain Smith's cabin, on its YouTube channel (<https://www.youtube.com/c/OceanGateExpeditions>), on social media and in news articles. In addition, the entire 2021 expedition was filmed for either a feature length documentary or other entertainment purposes.

Any ballast dropped by the submersible was done well clear of the wreck and debris field, as near as possible to or within the coordinates listed in IMO MEPC.1/Circ.779. No additional material (plaques, memorial, flowers, etc.) was deposited on the wreck itself, although a dignified memorial service was conducted on the surface during each of the five missions, and a wreath of flowers using biodegradable materials was thrown onto the surface of the sea. No black water or grey water was discharged within 15 nautical miles of the wreck site.

Finally, the success of the 2021 *Titanic* Survey Expedition would not have been possible without the substantial assistance of Commander Paul Henri Nargeolet, who co-piloted the submersible *Titan* on four dives and assisted with every aspect of the six missions' operations.

## **B. Completion of Specific Objectives**

In the Court's reply to my letter of May 18, 2021, your Honor asked me to report to the Court on OceanGate's ability to achieve the specific objectives noted with bullet points on page three of my letter. I am pleased to report the following:

- Create a detailed 3-D model of the shipwreck and portions of the debris field using the latest multi-beam sonar, laser scanning and photogrammetric technology.

Development of a 3-D model of the wreck and debris field is a multi-year activity and will require an improved inertial navigation system that OceanGate hopes to incorporate in 2022/2023. During the 2021 expedition, OceanGate captured baseline photographic data and limited multibeam sonar imagery.

- Supplement the work done on previous scientific expeditions to capture data and images for the continued scientific study of the site.

OceanGate completed the creation of a GIS map using prior open-source data and current data collected in 2021, with the help researchers at the University of Rhode Island. Comparisons of current and prior images are being made by the *Titanic* community in many online forums and social media. OceanGate's Chief Archaeologist, Bridget Buxton, Ph.D., is also working on a comprehensive comparison. P.H. Nargeolet is assisting in this effort by comparing the data obtained in 2021 to the familiarity he obtained during his many prior dives to the wreck site.

- Document the condition of the wreck with high-definition photographs and video.

This has been completed. Images and videos are being released regularly to the public for non-commercial use.

- Document the flora and fauna inhabiting the wreck site for comparison with data collected on prior scientific expeditions to better assess changes in the habitat and maritime heritage site.

This has been completed. Steven Ross, Ph.D., University of North Carolina, will be reviewing the data obtained over the coming months.

- Sharing a library of images, video, 3-D animation, etc. with the public.

Videos are being made available weekly and can be viewed at OceanGate Expeditions' YouTube site: <https://www.youtube.com/c/OceanGateExpeditions>. Images have been released to the public and the media on OceanGate's web site and social media pages.

- Freely sharing content with the science community for research purposes and NOAA, as a courtesy and in the interest of working collaboratively, as OceanGate has done with NOAA on prior expeditions (such as the Farallon Islands and Lionfish expeditions).

Dr. Bridget Buxton is the lead in this area and has access to all media for sharing as requested.

OceanGate would like to express its appreciation to the Court for the difficult job it is doing in overseeing the competing interests in the *R.M.S. Titanic*. The public seems to have a never-ending fascination with the *Titanic*, and we believe it is important to keep visiting the wreck site to document it and share this information with the world.

If you would like any further information, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "David G. Concannon". The signature is fluid and cursive, with a large initial "D" and "C".

David G. Concannon

cc: All counsel (via ECF)